

Appln. No. 10/644,909

Attorney Docket No. 10541-2216

### III. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

#### *Allowable Subject Matter*

The undersigned acknowledges the Examiner's indication of the allowability of claim 7.

#### *Drawing Objections*

The specification has been amended to further define Figure 4, as supported by the originally filed specification including Figure 4 itself.

#### *Claim Rejections - 35 U.S.C. § 112*

Claims 1-6 and 8-13 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement.

The Examiner contends the specification is not enabled with respect to the operation of the throttle sensor and how it is being utilized to control the braking system because of the following reasons: Page 2, lines 23 and 24 of the specification describe the throttle position less than the predetermined throttle position threshold (i.e., requesting less acceleration)". Page 6 lines 3, 4 describe "if the throttle position is greater than the predetermined throttle position threshold, a step 50 occurs." Page 6, lines 6-7 describe, "at the step 50, the output of the generator 24 is applied to the front and rear eddy current devices 18



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and 16." When the throttle position is greater than the predetermined throttle position threshold, the Examiner contends it would be contradictory to apply the regenerative brakes at the front and rear brakes as described in page 6.

However, as is commonly understood in the art, throttle position affects torque output and is generally adjusted to achieve a desired velocity which may affect acceleration. Therefore, the throttle position may decrease relative to a previous position causing deceleration and still be above the predetermined throttle threshold. Another example includes the throttle position moving from above the predetermined throttle position threshold to below the throttle position threshold also causing deceleration. Accordingly, it is not necessarily contradictory to provide power to the retarders if the throttle position is greater than the predetermined throttle position threshold. To further clarify the specification, the references on page 2 to acceleration have been deleted.

### *Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of



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record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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